

**STATE OF TEXAS EMERGENCY PLAN
HAZARDOUS MATERIALS AND OIL SPILL RESPONSE
ANNEX Q**

APPROVAL AND IMPLEMENTATION

This annex is hereby accepted for implementation and supersedes all previous editions.

____February 19, 1999 _____

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I. AUTHORITY AND REFERENCES

See Basic Plans, Section 1

II. PURPOSE

The purpose of this annex is to define the organization, operational concepts, responsibilities, and procedures to accomplish hazardous materials and oil spill requirement in Texas.

This annex is applicable to all locations and to all agencies, organizations, and personnel with hazardous materials and oil spill response emergency support function (ESF) responsibilities.

III. SITUATION AND ASSUMPTIONS

See Basic Plan, Section III

IV. CONCEPT OF OPERATIONS

A. STATE SUPPORT AND ASSISTANCE POLICY

In accordance with this plan, state emergency support and assistance, if required, will be provided as quickly and efficiently as feasible. Consistent with the priority of need, attempts to provide assistance, when practical, will be as outlined in Section IV.G of Annex N (Direction and Control).

This will provide the State with an effective means to provide emergency assistance in a timely and cost-effective manner. The decision to expend state funds to provide support and assistance will be made only after consideration of both priority of need and cost to the State. However, in situations where lives and property are immediately threatened, the most rapid means of response will be taken.

B. STAFFING REQUIREMENTS

Based on situational requirements, Council member agencies may provide staff to the State emergency operating center (EOC), Disaster Field Office (DFO), affected Disaster District Committee (DDC) EOCs, and field-deployed incident command posts. Representatives may serve in both a primary and/or support agency role for several ESF groups. To facilitate accomplishment of assigned responsibilities, the number of agency personnel operating from each location will be based on operational requirements and coordinated with the appropriate primary agency. Agency representatives must be knowledgeable of the resource request, deployment, and accountability methodology for committing assets or services that may be at their disposal.

C. HAZARDOUS MATERIALS AND OIL SPILL RESPONSE OBJECTIVES

Emergency Support Function (ESF) member agencies are responsible for coordinating and conducting a council response to threatened or actual releases or discharges or hazardous materials and oil spills. The Texas Natural Resources Conservation Commission (TNRCC) as the state's "primary" agency for this ESF will serve as the coordinating agency to accomplish functions which may include assisting a "lead" agency, as designated by statutes, during a response in accordance with the State of Texas Emergency Management Plan and application local, state, or federal statutes as they apply to an agency's rules and regulations.

The overall efforts of this ESF protects public health, safety, and the environment by reducing the release of pollutants and contaminants, ensuring that waste, including low-level radioactive waste, is properly managed and safely disposed of, and expediting the cleanup of contaminated sites.

D. RESPONSE TO HAZARDOUS MATERIALS AND OIL SPILL INCIDENTS

The Texas Natural Resources Conservation Commission (TNRCC) staff will coordinate with the Railroad Commission (RRC) and the General Land Office (GLO) staff to identify and respond to spills. TNRCC may also be involved in aiding the return of water and wastewater treatment plans to normal operating following discharges or spills. Further, TNRCC will provide advice and aid on the disposal of hazardous and non-hazardous debris associated with spills resulting from disasters.

All coastal discharge response and cleanup operations resulting from unauthorized discharges of oil are administered and directed by the GLO pursuant to the Oil Spill Prevention and Response Act of 1991 (OSPR), Texas Natural Resources Code §40.001 et seq.

As a co-trustee of the states natural resources, GLO also has a state-wide responsibility for Natural Resource Damage Assessment (NRDA). Spills or discharges from brine mining or surface mining are also under the jurisdiction of the RRC (Texas Revised civil Statutes Ann. Art. 5920-11 (Vernon) and Chapter 131 of the Texas Natural Resource Code).

Any spill or discharge, including spills or discharges of hazardous substances, refined products, crude oil, that emanates from an oil, gas, or geothermal resource exploration, development, or production facility or brine mine or surface mine is under the jurisdiction of the RRC.

E. IMPACT ASSESSMENTS & CLEANUP OPERATIONS

TNRCC will coordinate and manage the overall state effort to detect, identify, contain, clean-up, or dispose of or minimize releases of oil or hazardous materials including assessment impacts and cleanup needs or priorities, advising and assisting others where the source of the spill is known. Where the source is unknown, or responsible party is not responding or unable to respond, TNRCC will coordinate with other governmental authorities including the local and federal authorities to respond to the spill's impacts.

TNRCC will be responsible for coordinating with the General Land Office and the Railroad Commission in response to its jurisdictional spills and in coordinating the information gathering and sharing effort of the other agencies. The agencies may develop some priority ranking of the spills and discharges for monitoring response of the responsible parties and for cleanup of the spills where the source is unknown or the responsible party is unwilling or unable to cleanup.

F. TECHNICAL ASSISTANCE

The TNRCC will provide the State Council with information and advise on matters pertaining to oil and hazardous substances emergency responses, climatology, air quality, public water supply, dam safety, flood-hazard areas, floodplain management, ground-water geology, solid waste management including hazardous waste and radioactive waste, hydrology, meteorology, special water districts, water quality, and water use and rights.

Meteorological and climatological data will be obtained and analyzed for forecasts in emergency situations. The TNRCC will provide spill response maps and maps relating to flood hazard areas as needed.

Personnel will be provided to assist in damage assessment, rehabilitation and planning; and to aid in returning public water systems, dams, reservoirs, water and wastewater treatment plants to normal operating when requested. Further, TNRCC staff will provide advice and aid in the disposal of hazardous and non-hazardous debris resulting from disasters.

The Texas Department of Transportation (TxDOT) and the Texas Natural Resource Conservation Commission (TNRCC), in accordance with Subsection (F) of Section 26.264, Texas Water Code, as amended, have entered an agreement that provides for the use of TxDOT resources for certain State Sponsored spill and discharge cleanups. Cleanup and removal of such substances for which TxDOT personnel are not adequately trained or that require protective clothing or equipment, as determined by the TNRCC on scene coordinator, are excluded and not considered as services that may be performed under this agreement.

The Texas Parks and Wildlife Department (TPWD) has primary responsibility for protecting Texas' fish and Wildlife (Chapter 12, Texas Parks and Wildlife Code). By designation of the Governor, TPWD is a state natural resource trustee and has the obligation to protect and preserve all trust resources of Texas.

G. ADVICE ON EMERGENCY PROTECTIVE MEASURES

ESF member agencies will provide technical advice and emergency public information on the protective actions necessary to preserve health and protect property. The agencies will coordinate state efforts to prevent, mitigate, or minimize the threat of potential releases and provide technical advise and public information on the protective actions necessary to preserve health and protect property.

H. COORDINATION WITH FEDERAL AGENCIES

In addition to coordinating a state level response. TNRCC, RRC and GLO staff will coordinate with federal agencies any hazardous materials and oil spill response in accordance with federal statutes applicable to the respective state agencies.

I. STATE OF TEXAS OIL AND HAZARDOUS SUBSTANCES SPILL CONTINGENCY PLAN

The State of Texas Oil and Hazardous Substances Spill Contingency Plan serves as a guide to strengthen and improve the response mechanisms for discharges or spills of oil and hazardous materials within the territorial limits of the state. This plan reflects state procedures, guidance and identifies those policies and requirement's set forth in statues and rules.

TNRCC, RRC and GLO staff will serve as primary incident coordinators and State On-Scene Coordinators (SOSCs) and other parties involved are expected to cooperate in incidents related to this ESF dealing with spills of oil, hazardous materials, or other substances for the entire State of Texas, including all inland areas, waters, and coastal water to the three-league state boundary. The plan is a document developed and maintained under separate cover by TNRCC.

J. COST RECOVERY & MITIGATION

The three agencies will be responsible for coordinating state efforts to recover response costs through any federal reimbursement options or direct from responsible parties. Also, where action may be taken to mitigate the potential spills or the potential effects of future spills the three agencies will work together with regards to mitigative action.

K. MULTIPLE ESF OPERATIONS

This plan provides for employment of appropriate resources from multiple ESFs during response and recovery operations as a standard practice. Requests for Hazardous Materials and Oil Spill Response support may occur during significant emergency response and recovery operations regardless of the initial type of incident, hazard, and/or other ESFs involved.

V. ORGANIZATION AND ASSIGNMENT OF RESPONSIBILITIES

A. ORGANIZATION

All ESF groups identified in the Basic Plan are composed of personnel and resources of several state agencies/organizations. Each group is directed by a primary agency selected on the basis of its authority and capability in that particular functional areas. The other agencies and organizations within the group are designated as support agencies and organizations based on their ability to provide equipment, personnel and/or expertise in support of functional tasks. The agencies/ organizations that comprise this ESF group are listed in Appendix 1 of this Annex.

B. ASSIGNMENT OF RESPONSIBILITIES

1. GENERAL

All agencies/organizations assigned to the Hazardous Materials and Oil Spill Response EFS are responsible for the following:

- a. Designating and training representatives of their agency to serve as group members and ensuring that appropriate Action Guides and standard operating procedures (SOPs) are developed and maintained.
- b. Identifying staffing requirements and maintaining current notification procedures to ensure appropriate training agency personnel are available for extended emergency duty in the State and DDC EOCs, and as needed, the DFO and field command post.
- c. Developing and maintaining procedures to ensure that current inventory of agency resource and contact lists are available.
- d. Developing and maintaining procedures for identification, location, commitment, deployment, and accountability of agency support resources.
- e. Providing within capabilities, personnel, equipment, and other assistance to support emergency response and recovery operations.
- f. Providing situational and operational status reports in accordance with existing procedures and/or requested by the primary agency.

2. PRIMARY AGENCY

The Texas Natural Resource Conservation Commission (TNRCC) is the primary agency for hazardous materials and oil spill response.

The primary agency is responsible for state-level coordination of assets and services and will accomplish the following:

- a. Identify and coordinate ESF staffing requirements appropriate to the emergency situation to include investigative assignments amongst the primary and support agencies. Where jurisdiction over a spill is known the agency with jurisdiction either TNRCC, GLO, or RRC will be responsible for state follow-up.
- b. Process requests for state hazardous materials and oil spill response assistance with the supporting roles of others being assigned on an incident-by-incident basis or based on activities of the State Emergency Response Team (SERT) and other field teams.

Coordinate the development of support recommendations by appropriate support agencies and present most feasible recommendations to designated direction and control authority for possible mission assignment to include:

- (1) Assistance to federal agencies and others in collecting data on spills and in assessment of damages in the disaster areas to include information on spill impacts and cleanup costs;
 - (2) Assist local officials in identifying and preparing emergency sites for waste and debris staging/disposal;
 - (3) Assist in preparation of reports for determination of funds needed to alleviate damages and develop priorities as necessary for allocation of state resources for the data collection and cleanup activities;
 - (4) Assist in coordinating State-funded cleanups and monitor cleanups as required by funded entities.
- c. Collect information from support agencies and provide reports concerning emergency support operations in accordance with applicable procedures; and
 - d. Develop, maintain and distribute this Annex, the State of Texas Oil and Hazardous Substances Spill Contingency Plan and appropriate SOPs;
 - e. Consult the State of Texas Oil and Hazardous Substances Spill Contingency Plan and databases as available in the EOC or through the TNRCC Emergency Response Unit (ERU).
 - f. Serve as a Natural Resource Trustee for assessment of natural resource damages in Texas.

3. SUPPORT AGENCIES/ORGANIZATIONS

a. General

All Hazardous Materials and Oil Spill Response ESF members shall be aware of their organizations capabilities in providing assistance and support and shall be prepared to provide support recommendations to the Primary Agency representative and respond to mission assignments from designated direction and control authority for the deployment and use of agency-owned/leased or otherwise unique assets to support the response and recovery effort.

Some agencies will provide agency personnel and/or equipment, while the support from other agencies will be through their knowledge and expertise in working with response agencies, the vendor community or commercial organizations / associations in supplying services, or in restoration of disrupted services.

b. General Land Office

Serves as the lead agency for spills or discharges that enter or threaten to enter coastal waters.

Serves as state level responders to discharge and cleanup operations resulting from unauthorized discharges of oil that enter or threaten to enter coastal waters pursuant to the Oil Spill Prevention and Response Act of 1991 (OSPRA) and Texas Natural Resources Code §40.001 et seq.

c. Railroad Commission of Texas (RRC)

Serves as the lead agency for spills or discharges from all activities associated with the exploration, development, or production, including storage or transportation, of oil, gas, and geothermal resources (Texas Natural Resources Code §85.042, 91.101, and 91.601).

d. Texas Department of Transportation (TxDOT)

Mobilize personnel, materials, and equipment for the containment, cleanup and mitigation of spills or discharges of oil or other hazardous substances, designated by the EPA or by TNRCC, pursuant to Subchapter G of the Texas Water Code.

e. Texas Parks and Wildlife Department (TPWD)

Conduct protection activities to include investigating fish kills and any type of pollution that may cause loss of fish and wildlife in accordance with Chapter 26 of Texas Water Code and Section 12.0011 of the Texas Parks and Wildlife Code.

f. Texas Department of Insurance

Through the Office of the State Fire Marshall, will provide as needed support in the assessment of associated arson investigations, business license and inspections, public information and education, as arson laboratory, Texas Fire Incident Reporting System (TEXFIRS) and engineering assistance.

g. Texas Department of Health (TDH)

(1) Provide support in the training of:

- (a) Hazmat training for emergency services providers and Public Safety personnel (EMS, Fire, Police, etc.)
- (b) EMS Level I and Level II Hazmat training
- (c) Hazmat for Hospital personnel

- (d) Incident Command Systems (ICS) training, geared toward emergency service providers and hospital personnel
- (2) Provide expertise through:
 - (a) In-house expertise of health affects of Hazmat exposure/contamination
 - (b) In-house expertise on the environmental impacts of Hazmat events
 - (c) TDH laboratories can provide assistance with analysis and determination of contamination and possible health and/or medical impacts
 - (d) Access to information and Hazmat experts outside of TDH and/or outside of State resources
- h. Texas Engineering Extension Service (TEEX)
 - (1) Provides training and technical expertise in the following areas:
 - (a) Hazardous Materials
 - (b) Public Works
 - (c) Center for Marine Training and Safety
 - (d) Occupational & Environmental Safety
 - (e) Water & Wastewater
 - (2) Provides specialized programs and technical expertise to train students and local governments for responses, management, planning, and mitigation of:
 - (a) Hazardous Materials
 - (b) Oil Spills
- i. Texas Department of Public Safety
 - (1) Upon notification of a hazardous materials or oil spill transportation related spill, make proper notification to TNRCC and other applicable agencies as appropriate.
 - (2) Communicate hazardous material placard numbers to responders and involved agencies.
 - (3) Secure incident site.
 - (4) Coordinate with local jurisdictions to ensure proper state notification of hazardous materials responses in transportation incidents.

- (5) Assist in the dissemination of information to the public on health and property protective actions necessary following a transportation incident involving hazardous materials and oil spills.

j. Texas Commission on Fire Protection (TCFP)

Administers programs related to certification of eligible local fire departments and other public fire-fighting organizations that include hazardous materials response training.

VI. DIRECTION AND CONTROL

Direction and control of emergency response and recovery operations within Texas will be exercised in accordance with Sections IV-F, V-B, and VI of the Basic Plan. The TNRCC Emergency Response Team Leader will serve as the primary agency representative and will coordinate Hazardous Materials and Oil Spill Response ESF activities within the State EOC. Within each Disaster District, the DDC Chairperson will forward questions and requests for assistance to the TNRCC representative in the Disaster District EOC.

VII. EMERGENCY RESPONSE LEVEL/ACTION GUIDES

See Basic Plan, Section VII, for a list of the different emergency response levels and the kinds of activities that characterize each level. Appendix 2 to Annex N (Direction and Control), maintained by DEM, addresses all hazards, functions, agencies, and response levels.

Appendix 2 to this annex contains a supplement Action Guide that outlines any additional actions the ESF groups members need to take at each emergency response level to ensure the group is prepared to respond and support emergency operations.

VIII. CONTINUITY OF GOVERNMENT

Lines of succession for personnel with emergency management responsibilities will be in accordance with existing policies and required emergency management standard operating procedures (SOPs) of each agency/organization. Primary and support agencies will ensure their respective personnel are trained and prepared to operate in the event regular agency members are absent.

They will identify alternate or backup personnel, ensure these individuals understand the lines of succession, pre-delegated authorities, and task responsibilities of their individual agencies, and ensure appropriate procedures and action guides contain sufficient detail so that alternate/backup personnel can use them in performing their responsibilities. Primary and support agencies will ensure all records necessary for emergency management operations can be easily obtained from each member agency in an emergency, and that if needed, these records are also duplicated at another location(s) in the event the primary records are destroyed.

IX. ADMINISTRATION AND SUPPORT

A. SUPPORT

Requests for emergency assistance will be resolved at the lowest level direction and control facility with appropriate response resources capabilities.

Unresolved assistance requests will normally flow upward from cities to the county, and if unresolved at the county level, continues upward to the responsible Disaster District, to the State Council, and, if needed, to other assets or the federal government for assistance support. ESF member agencies also maintain lists of private contractors and other commercial resources that may be available for emergency operations.

B. AGREEMENTS AND UNDERSTANDINGS

All agreements and understandings entered into for the purchase, lease, or otherwise use of equipment and services will be in accordance with the provision of state law and procedures. The Proclamation of a State Disaster issued by the Governor, may suspend selected rules and regulations that affect support operations.

The specific impact of the situation will be determined by each agency and ESF group members will be advised accordingly of administrative and/or procedural changes that may affect emergency operations.

C. STATUS REPORTS

The primary agency will maintain status of all outstanding assistance requests and unresolved ESF-related issues. This information will be summarized into periodic status reports and submitted in accordance with applicable operating procedures.

D. EXPENDITURES AND RECORD KEEPING

Each state agency is responsible for establishing administrative controls necessary to manage the expenditure of funds and to provide reasonable accountability and justification for federal reimbursement in accordance with the established guidelines.

The first source of funds for expenditures by state agencies in response to an emergency, imminent disaster, or recovery from a catastrophic incident, is to be from funds regularly appropriated by the Legislature. In accordance with established procedures, state agencies may seek financial assistance from the Disaster Contingency Fund.

E. CRITIQUES

Following the conclusion of any significant emergency event/incident or exercise, the Primary Agency representative will conduct a critique of the group activities during the event/incident/exercise. Support agencies will provide written and/or oral inputs for this critique and the Primary Agency representative will consolidate all inputs into a final report and submit it to the State Coordinator.

X. DEVELOPMENT AND MAINTENANCE

The Executive Director and TNRCC is the approving authority for this annex and the person responsible for its approval and implementation.

The designated Emergency Response Team Leader (ERL) for TNRCC is responsible for development, maintenance and distribution of this annex.

The TNRCC ERL, in conjunction with the State Coordinator, is also responsible for conducting an annual review, coordinating all review and revision efforts and incorporating information learned from exercises and actual events into this annex.

APPENDIX 1 TO ANNEX Q: HAZARDOUS MATERIALS AND OIL SPILL RESPONSE ESF ORGANIZATION

PRIMARY AGENCY: TEXAS NATURAL RESOURCES CONSERVATION COMMISSION

SUPPORT AGENCY: General Land Office
Railroad Commission of Texas
Texas Commission on Fire Protection
Texas Department of Health
Texas Department of Public Safety
Texas Department of Transportation
Texas Engineering Extension Service
Texas Parks and Wildlife Department
Texas Department of Insurance

APPENDIX 2 TO ANNEX A: HAZARDOUS MATERIALS AND OIL SPILL RESPONSE ESF ACTION GUIDE RESPONSE LEVEL HAZARD AGENCY ACTION

(To Be Developed)

APPENDIX 3 TO ANNEX Q: HAZARDOUS MATERIALS AND OIL SPILL RESPONSE ESF RESOURCE SUMMARY